

Filipinos Rush to Secure Their Green Card

Every day, at our New York and New Jersey law offices, our attorneys meet with many Filipinos and other foreign nationals concerning their U.S. immigration and naturalization cases. But, recently, there has been a flood of people calling and visiting our offices asking about the recent elimination of waiting times for certain employment-based immigrant visas. In fact, this is also occurring at many of our colleagues' immigration law offices.

Specifically, this wave of inquiry is occurring because, as of July 1, 2007, virtually all employment-based immigrant visa category priority dates will become current. Stated plainly – next week, many Filipinos and other foreign nationals will become eligible to apply for an immigrant visa and a “green card” with the support of an employer.

In my previous article “Employment-Based Green Card Process Opens to Filipinos,” I discussed this wonderful opportunity, available to many Filipinos who wish to secure a green card with the help of an employer. Presumably, many readers and others were motivated by this important news.

One new client who visited our office this week has only been in the U.S. for less than a month by virtue of her tourist visa. As a nurse with all of her necessary employment credentials, she wished to secure both a nursing job and a “green card.” But she was also aware that many Philippine nurses have been unable to secure an immigrant visa, because of the extended waiting time affecting the Second Employment-Based (EB-2) visa category. Fortunately, now, as a result of this priority date becoming “current,” she may find a U.S. employer, and proceed with the immigrant visa and “green card” processes.

Current visa availability is also helping many of our business clients that were harmed earlier this year, when the H-1B professional employee visa cap was reached on the first available filing date. For example, one of our corporate clients hires many Philippine physical therapists and occupational therapists each year, by securing an H-1B visa for each of them. This year, the scarcity of these visas has left their company understaffed. However, now, because the EB-2 visa category is current, our client is filing numerous visa petitions and “green card” applications for physical therapists and occupational therapist in the Philippines and in the U.S.

Another Filipino who recently visited our New York office is an existing client. This man legally lives and works in the U.S. Last year, his employer sponsored him through the PERM labor certification process, which eventually should lead to his “green card” status. But, when we filed his immigrant visa petition earlier this year, he was ineligible to actually apply for a “green card,” because the EB-2 visa category was not current. Today, he is happy to know that all of his efforts to lawfully secure a “green card” for himself and his family will pay off. We have prepared the necessary applications, and will file them on the first available date.

These are just a few examples of people and businesses who are quickly taking advantage of the changes in these employment-based immigrant visa categories. In fact, there are an unending number of different jobs and other types of employers who will benefit, while these visa categories remain current.

It is rare when the U.S. government acts in a way that significantly benefits foreign nationals seeking to immigrate to the U.S. The elimination of these visa category waiting times is one of those rare occasions. The U.S. Department of State warns that it does not know how long visas in these employment-based categories will remain available. Thus, if you, or anyone you know, may be eligible for this benefit, we recommend that you contact your attorney and discuss these immigration matters. We advise that you be pro-active with your immigration strategy, and make the law work to your benefit.

Atty. Rio M. Guerrero is the founding and managing partner of The Guerrero Law Firm. He is also an Adjunct Professor at The CUNY School of Professional Studies at The Graduate Center in Manhattan, where he teaches complex U.S. immigration law to other attorneys, paralegals and community leaders. He has also served as an immigration legal expert witness in the New Jersey State court system. During his many years of legal practice, Atty. Guerrero has successfully represented thousands of clients in a wide range of immigration and nationality matters. You may contact Atty. Guerrero directly at (212) 481-2744 or e-mail him at rio@guerrerolawfirm.com. The above information is not, nor intended to be, legal advice. Nothing within this publication creates an attorney-client relationship with the reader. Applicability of the legal principles discussed above differs upon individual facts and circumstances.